



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,915	02/12/2002	Koji Sugita	Q68115	3774

7590 03/30/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

MAGEE, CHRISTOPHER R

ART UNIT PAPER NUMBER

2653

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,915

Applicant(s)

SUGITA ET AL.

Examiner

Christopher R. Magee

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2653

DETAILED ACTION

Response to Amendment

1. The reply filed 1/15/2004 was applied to the following effect: All relevant objections and rejections are withdrawn as being satisfied.
2. Claim 2 has been cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kusumi et al. (hereinafter Kusumi) (US 6,690,528 B1).

- Regarding claim 1, Kusumi shows an open and close mechanism for inserting a recording medium into a medium container (Fig. 3), comprising:

- a recording medium insertion path (shown by arrow → in Fig. 1) allowable to pass the recording medium therethrough;

- an open and close device for opening and closing the recording medium insertion path (Figs. 3 and 4) ;

- a driving device 58 for operation said open and close device to open the recording medium insertion path; and

Art Unit: 2653

a locking device 57 for locking open and close operation of the open and close device when the open and close device closes the recording medium insertion path,

wherein said locking device 57 releases a locking condition of the open and close device when the driving device 58 operates the open and close device to open the recording medium insertion path (col. 6, lines 25-36).

- Regarding claim 3, Kusumi shows an open and close mechanism for a recording medium insertion path, for inserting a recording medium into a mechanical body of a record playback device and ejecting the same therefrom, (Fig. 3), comprising:

- a recording medium insertion path (shown by arrow → in Fig. 1) allowable to pass the recording medium therethrough;

- an open and close device for opening and closing the recording medium insertion path (Figs. 3 and 4) ;

- a locking device 57 for locking open and close operation of the open and close device when the open and close device closes the recording medium insertion path,

- a driving device 58 for operating said open and close device to open the recording medium insertion path, and the driving device installed in the mechanical body, wherein said locking device 57 releases a locking condition of the open and close device when the driving device operates the open and close device to open the recording medium insertion path (col. 6, lines 25-36),

- wherein said open and close device comprises:

- a open and close door 44 provided rotatably about a center of a pivot shaft 30a extending along a direction of width of the recording medium insertion path and rotating about

Art Unit: 2653

the center of said pivot shaft for opening and closing the recording medium insertion path (see attached Fig. 4);

a door gear 57 rotating together with the open and close door operation of opening and closing the recording medium insertion path; and

an energizing device 64 for energizing the door gear 57 for closing the open and close door of the recording medium insertion path, wherein the door gear is rotated by the driving device for opening the open and close door of the recording medium insertion path, wherein the locking device locks the open and close door rotating about the center of the pivot shaft when closing the recording medium insertion path and allows the open and close door rotating about the center of the pivot shaft when the driving device rotating the door gear (col. 6, lines 18-44).

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2653

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Kawakami et al. (US 5,243,478) is cited to show a mechanism for opening and closing a tray door in combination with movement of a tray type cassette storing apparatus.
- b. Uehara et al. (US 5,537,378) is cited to show a data processing device with controlled insertion of recording media.
- c. Lee (US 5,671,102) is cited to show an apparatus for locking a tape door.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

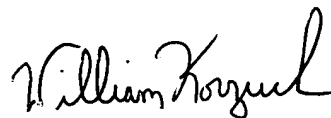
Art Unit: 2653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee
Patent Examiner
Art Unit 2653

March 23, 2004



WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600